

LOCAL DECEMBER 24, 2015 3:17 PM

Attorney general urges court to uphold decision on Arlene's Flowers case

HIGHLIGHTS

- State attorney general issued 64- page brief late Wednesday
- He urges top justices to uphold Benton County Superior Court decision
- Attorneys for Arlene's Flowers couldn't be reached for comment

Tri-City Herald

The Washington Supreme Court should uphold a decision ordering a Richland florist shop to stop discriminating against same-sex couples, the state's attorney general said.

In a 64-page brief filed late Wednesday, Attorney General Bob Ferguson outlines in exhaustive legal detail why the state's top justices should uphold a Benton County Superior Court decision related to Arlene's Flowers. The lower court ruled Arlene's violated the state's Consumer Protection Act when it refused to provide flowers to longtime customers who became engaged after same-sex marriage was legalized in 2012.

Attorneys representing Arlene's and owner Barronelle Stutzman were not immediately available to comment on the continuing legal dispute Thursday.

"Defendants refused to serve Mr. Ingersoll when he sought flowers for his wedding to his partner, Mr. Freed. This was discrimination based on sexual orientation, pure and simple," Ferguson said in the brief. "Free speech and free exercise rights do not prohibit states from outlawing discriminatory conduct in business. If they did, discrimination of all kinds would flourish, and our country never would have made the enormous progress that we have."

The case remains active after Stutzman appealed the lower court ruling. The Supreme Court is expected to decide if it will hear the case or send it to the intermediate Court of Appeals in early 2016.

The original case dates to April 2013, when Washington sued Stutzman and Arlene's about a month after the owner refused to provide flowers for the wedding of Robert Ingersoll and his longtime partner, Curt Freed.



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Bob Ferguson **Erika Schultz/Seattle Times** - AP

Ingersoll, a regular customer, visited the Richland shop on March 1 to request an arrangement for the elaborate garden wedding the couple intended to hold in Kennewick.

Citing her relationship with Jesus, Stutzman declined the request.

Ingersoll and Freed, who now live in Bellingham, were stung by the rejection. Instead of a 100-guest garden wedding, they married at home with 10 guests. The couple said they downsized their plans over fears they would be rejected for their sexual orientation by additional prospective vendors.

The state alleged Arlene's violated the Consumer Protection Act and the Washington Law Against Discrimination. In a decision that triggered considerable local controversy, Benton County Alex Ekstrom granted summary judgment in favor of the state. The state asked for an injunction against continuing discrimination and \$1 in legal costs.

The defendant objected to the penalties but not the request for 41 in costs and fees. The court entered a judgment awarding \$1,000 in civil penalties, \$1 in fees and permanently enjoined the shop from violating the law by discriminating

Stutzman declined a settlement offer last spring. Supporters have raised more than \$92,000 through the crowd funding site GoFundMe, though the site is no longer active.

The conservative Alliance Defending Freedom has asked Ferguson to withdraw the suit and has filed a countersuit, which is pending in U.S. District Court for Eastern Washington.

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